

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS

Plaintiff

vi.

CARDIAC SCIENCE, INC., et al.,

Defendants

Civil Action: 04-30126-MAP

FILED
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2006 AUG 31 A 10:28
U.S. DISTRICT COURT
DISTRICT OF MASS.

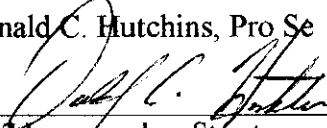
**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION
FOR LEAVE TO FILE MOTION FOR MISTRIAL**

On September 9, 2004 the Court denied [12] Plaintiff's Motion for a Temporary Restraining Order. The Court's decision was based in large part on proceedings held before Judge Michael Ponsor during a motion hearing held 9/9/2004. Discovery filed since the hearing and on record with the Court and the transcript of this hearing that is also on file with the Court exhibit proof that Attorney Randall T. Skaar provided false testimony to the Court at this hearing. It is therefore just that the Court allow the Plaintiff to file a Motion for Mistrial to allow Plaintiff's Temporary Restraining Order the opportunity for a new and fair hearing.

The Plaintiff

Donald C. Hutchins, Pro Se

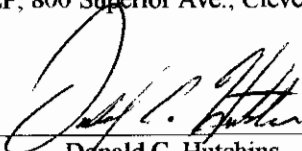
Dated: 8/31/06


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CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate parties by sending a copy by United States mail to: Randall T. Skaar, Esq. Patterson, Thunte, Skaar & Christensen, P.A., 4800 IDS Center, 80 South 8th St. Minneapolis, Minnesota; 55402, Paul H. Rothschild, Esq. Bacon & Wilson, P.C., 33 State St., Springfield, MA 01103; John J. Egan Esq., Egan, Flanagan and Cohen, P.C., 67 Market St., Springfield, MA 01102-9035, Jeffrey J. Lauderdale, Esq., Calfee, Halter & Griswold LLP, 800 Superior Ave., Cleveland, Ohio 44114-2688.

Dated: 8/31/06



Donald C. Hutchins